



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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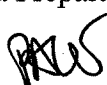
JOHN F. KRATTLI
County Counsel

February 20, 2013

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Michael Holguin v. County of Los Angeles, et al.
United States District Court Case No. CV 10-08011

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Michael Holguin v. County of Los Angeles, et al., United States District Court Case No. CV 10-08011, in the amount of \$475,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of excessive force by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael Holguin v. County of Los Angeles, et al.
CASE NUMBER	CV 10-08011
COURT	United States District Court
DATE FILED	10/25/2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 475,000
ATTORNEY FOR PLAINTIFF	Hadsell Stormer Keeny Richardson & Renick, LLP
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>Michael Holguin sued the County of Los Angeles and two Sheriff's Deputies alleging federal civil rights violations and excessive use of force arising out of an incident at Men's Central Jail on October 18, 2009.</p> <p>While we believe that the Deputies' actions were reasonable and that this is a defensible case, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Settlement of this matter in the amount of \$475,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	280,079
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PAID COSTS, TO DATE	\$	43,466
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Case Name: Michael Holguin v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Sunday, October 18, 2009; approximately 2:45 p.m.
Briefly provide a description of the incident/event:	<p><u>Michael Holguin v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2012-037</p> <p>On Sunday, October 18, 2009, at approximately 2:45 p.m., a Los Angeles County deputy sheriff was escorting a handcuffed inmate (plaintiff) when the plaintiff became angry and assaulted the deputy. The deputy struck the plaintiff in the stomach with his fists and forced him to the ground. Once on the ground, the plaintiff disregarded verbal commands and continued to struggle with the deputy. The deputy deployed Oleoresin Capsicum spray, but the plaintiff continued to struggle.</p> <p>A second deputy responded to assist and also became involved in the struggle to restrain the plaintiff. The plaintiff eventually complied with the deputies' instructions and stopped struggling.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged he was subjected to excessive force by members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.


The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

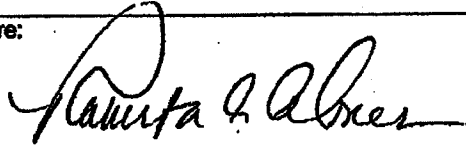
The facts in this case were presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee concluded that the level of physical force used by the deputy sheriffs was reasonable, necessary, and in compliance with Department policy. Consequently, no corrective action measures are recommended or contemplated.

County of Los Angeles
Summary Corrective Action Plan

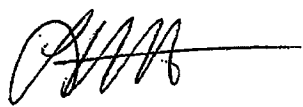
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 11/16/12

Name: (Department Head)	
Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 11/19/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 1-23-2013

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